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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR -12-00527- PSG
)	
Plaintiff,)	STIPULATION TO CONTINUE THE
)	SENTENCING HEARING TO
v.)	JANUARY 28, 2013; [PROPOSED]
)	ORDER
KATHLEEN BORKENAGEN,)	
)	
Defendant.)	<u>HONORABLE PAUL S. GREWAL</u>
)	

STIPULATION

Defendant and the government, through their respective counsel, subject to the court's approval, hereby stipulate that the Court continue the status hearing in the above-captioned matter, presently scheduled for December 20, 2012, at 10:30, to January 28, 2013, at 9:00 a.m. The reason for the stipulation is as follows. Counsel for the defense is continuing his investigation which includes but is not limited to obtaining and reviewing Tax records, financial records, including profit and loss statements needed to assess the loss amount which is relevant to negotiating a resolution of this matter. Counsel ordered and paid for what it considers relevant tax returns from the Internal Revenue Service. The tax returns have not as of this

1 writing been received by the defense. For these reasons, defense counsel needs additional time
2 to complete his investigation.

3 The parties further agree and stipulate that the time from and including December 20,
4 2012, through and including January 28, 2013, should be excluded pursuant to Speedy Trial Act,
5 18 U.S.C. §3161(h)(7)(A) and (B)(iv) to provide counsel reasonable time to prepare.
6 Accordingly, the United States and the defendant agree that granting the requested exclusion of
7 time will serve the interest of justice and outweigh the interest of the public and defendant in a
8 speedy trial.

9 Dated: December 19, 2012

10 _____/s/_____
MANUEL ARAUJO,
Assistant Federal Public Defender

12 Dated: December 19, 2012

13 _____/s/_____
Timothy J. Lucy,
Assistant United States Attorney

15 **~~PROPOSED~~ ORDER**

16 Good cause appearing and by stipulation of the parties, it is hereby ordered that the
17 hearing in the above-captioned matter is continued from December 20, 2012, at 10:30 a.m., to
18 January 28 2013, at 9:00 a.m.. It is further ordered that the period of delay from December 20,
19 2012, through and including January 28, 2013, be excluded for purposes of Speedy Trial Act
20 computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and
21 3161(h)(7)(B)(iv).
22

23 Dated: December 19, 2012

24 
HONORABLE PAUL S. GREWAL,
United States Magistrate Judge